

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN VINCENT CONRAD

Plaintiff,

V.

THE WASHINGTON STATE
DEPARTMENT OF CORRECTIONS *et al.*

Defendants.

Case No. C05-5151FDB

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed Plaintiff's motion to dismiss, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, the remaining record, and there being no objections to the report and recommendation, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The court considers plaintiff's motion as a notice of dismissal pursuant to Fed. R. Civ. P. 41 (a). This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff must still pay the filing fee in this case.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant, and to the Hon. J. Kelley Arnold.

DATED this 16th day of December 2005.

Franklin D. Burgess
FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE